

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)
U.S. Department of the Interior
Bureau of Land Management**

PART I – PROPOSED ACTION

BLM Office: Tucson Field Office

NEPA No.: AZ-G020-2015-0020-CX

Proposed Action Title: LUTZ ADVENTURE
TOURS

Case File No.: AZA-32178

Applicant: Charles Lutz, Lutz Adventure Tours LLC

Location of the Proposed Action:

Existing roads and primitive roads on public lands in the Middle Gila Canyons Travel Management Area.
Staging area: T4S R10E Sec 19 SW¼ G&SRPM, Pinal County (Lat 33.067406°, Long -111.365472°)

Description of Proposed Action:

Authorize a Special Recreation Permit (SRP) for use of existing roads and primitive roads on public lands in connection with commercial guided All-Terrain Vehicle (ATV) tours as shown on Map 1 and as described in the Operating Plan in Exhibit A, subject to all applicable Terms, Conditions and Stipulations in Exhibit B, and subject to the Special Stipulations in Exhibit C.

All vehicle use will occur on the existing roads and adjacent parking areas. All roads and primitive roads are identified in the Middle Gila Canyons Transportation and Travel Management Area.

PART II – PLAN CONFORMANCE REVIEW

This proposed action is subject to the following land use plan(s):

- 1) Phoenix Resource Management Plan/Environmental Impact Statement; Record of Decision approved September 29, 1989 as amended.
- 2) The proposed action is also subject to the following implementation plan: Middle Gila Canyons Transportation and Travel Management Plan/Environmental Assessment; Decision Record November 10, 2010.

Decisions and page nos.:

- 1) Land Use Authorizations. Land use authorizations (rights of-way, leases, permits, easements) would continue to be issued on a case-by-case basis and in accordance with recommendations in this Proposed RMP/FEIS. PRMP/FEIS Page 24.

Date plan approved/amended:

Record of Decision approved September 29, 1989.

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

PART III – NEPA COMPLIANCE DETERMINATION REVIEW

A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9

BLM CX:

“H. Recreation Management:

1. Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5).”

The proposed use area is not in a “Special Area”.

And

B. Extraordinary Circumstances Review: In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must have sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstances applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

IMPORTANT: Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

The persons listed below reviewed the proposal and circumstances on August 10, 2015.

PART IV – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION

PREPARERS:	DATE:
Francisco Mendoza, Outdoor Recreation Planner	8/24/2015
Amy Sobiech, Archaeologist	8/11/2015
Heather Swanson, Natural Resource Specialist	8/18/2015
/s/ Amy Markstein,	9/24/2015
PLANNING & ENVIRONMENTAL SPECIALIST	DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(1)) apply. The project would:			
(a) Have significant impacts on public health or safety.			
Yes	No X	Rationale: Tour operation will use existing routes open to public use with ordinary primitive road and back country hazards. Liability insurance coverage is required.	Preparer's Initials FJM
(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.			
Yes	No X	Rationale: Cultural resources identified in Class 3 survey report will not be impacted; monitoring of known sites will be undertaken by BLM. Tours would stay on existing/designated roads. Subject to standard Terms, Conditions and Stipulations (Exhibit B), and Special Stipulations to protect wildlife habitat and cultural resources attached (Exhibit C).	Preparer's Initials AS, FJM, HS
(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].			
Yes	No X	Rationale: Tour operation would use existing primitive roads identified in the local Travel Management Plan (TMP), and would not have controversial effects or involve unresolved conflicts. The TMP considered alternative designations for access and use of the routes.	Preparer's Initials FJM
(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.			
Yes	No X	Rationale: ATV use on existing roads would result in known impacts from low volume, low speed vehicle traffic, on roads maintained by the county and primitive roads open to general public use; No new disturbance or construction would be involved.	Preparer's Initials FJM
(e) Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects.			
Yes	No X	Rationale: Decisions on SRP applications are made on a case by case basis in accordance with established regulations and procedures (43CFR2930), and subject to review for environmental impacts, and mitigation as necessary to ensure significant environmental effects are prevented or avoided.	Preparer's Initials FJM
(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.			
Yes	No X	Rationale: Other SRPs may be issued on a case by case basis in the area, contributing to vehicle traffic and human activity related to general public use in the area and on the road network. The cumulative effects of continued public vehicle use on the tour routes was analyzed in the environmental assessment for the local TMP, and no significant impacts were identified.	Preparer's Initials FJM

(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.			
Yes	No X	Rationale: Two sites [AZ U:16:316(ASM), AZ UP16:361(ASM)] recommended eligible for listing on the NRHP are located along the tour routes. Temporary stops for viewing the adobe building ruins at AZ UP16:361(ASM) would not have a significant impact on the property. The operation would be subject to cultural resource protection stipulations that are part of the proposed action; see Exhibit B- Standard Terms, Conditions and Stipulations (# XVI.K), and Exhibit C- Special Stipulations (# 3.A, 3.B, 3.C, 3.D, 3.E)	Preparer's Initials AS, FJM
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.			
Yes	No X	Rationale: There are no resident populations of species listed or proposed for listing under the Endangered Species Act known to occur along the tour routes. The tours would not go into any critical habitat areas, nor impact foraging habitat Lesser Long-nosed bat which may occur in the area. The operation would be subject to general resource protection stipulations (Exhibit B), and Special Stipulations to protect habitat and sensitive species that may be encountered in the area (Exhibit C).	Preparer's Initials HS
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.			
Yes	No X	Rationale: The tour operation would be subject to all applicable federal, State or local laws and regulations by reference in the SRP terms, conditions and stipulations.	Preparer's Initials FJM
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).			
Yes	No X	Rationale: The tour operation would not have a disproportionately high and adverse effect on low income or minority populations.	Preparer's Initials FJM
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).			
Yes	No X	Rationale: The tour operation would not limit access for any purposes to any site or area on public land, or adversely affect any known sacred sites which may occur in the area.	Preparer's Initials AS, FJM
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).			

Yes	No X	Rationale: There are no known noxious weed infestations along the tour routes. The vehicles used in the operation will remain on existing areas free of vegetation (roadways, parking areas), and would present a minimal risk of picking up and spreading weed seed. A special stipulation would require the vehicles to be maintained clean to prevent potential weed seed translocation (see Exhibit C- Special Stipulations).	Preparer's Initials FJM, HS
<p>PART V – COMPLIANCE REVIEW CONCLUSION</p> <p>I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.</p> <p>MITIGATION MEASURES/OTHER REMARKS:</p> <p>The proposed use would be subject to the approved operating plan in Exhibit A; all applicable SRP standard terms, conditions and stipulations in Exhibit B, and the special stipulations developed during review of the proposed use in Exhibit C, which are part of the proposed action. No additional mitigation measures are identified.</p> <p>/s/ Karen Simms APPROVING OFFICIAL: Karen Simms DATE: 9/25/2015 TITLE: Acting Field Manager</p>			

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.